



# The Eightmile River

## Wild & Scenic Coordinating Committee

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Christopher Sullivan

Connecticut Department of Energy and Environmental Protection

79 Elm Street,

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### **RE: Connecticut Statewide Bacteria TMDL**

Dear Mr. Sullivan

Thank you the opportunity to comment on the proposed Total Maximum Daily Load (TMDL) for bacteria. These comments are provided by the Eightmile River Wild & Scenic Coordinating Committee (ERWSCC) which consists of representatives from the three core watershed towns of Salem, East Haddam and Lyme as well as the three local Land Trusts, The Nature Conservancy (TNC), Department of Energy and Environmental Protection (DEEP) and the National Park Service.

Comments have been provided in response to both the Core Document as well as the Eightmile River Watershed Summary.

### **Statewide Bacteria TMDL Core Document**

1. ERWSCC recognizes that DEEP's goals for surface water bacteria levels are established in conjunction with standards set by the Environmental Protection Agency (EPA). Emerging research however has documented that genetic variations of *E. coli* exist and multiply in the natural environment, become dislodged from their soil environment during rain events and travel in overland flow to waterbodies. Further, it is unlikely that these *E. coli* are associated with those harmful to humans as they do not thrive in the gut of warm blooded animals. However, standardized testing for *E. coli* colonies in water does not differentiate between the genetic variations. It has been suggested that current water sampling protocol needs to be reevaluated. As communities are being asked, or in some cases will be directed, by DEEP to address bacteria sources it seems prudent that DEEP be actively involved in participating and applying new research

to ensure sources addressed are truly harmful to human health.

2. The role of “background bacteria” or bacteria from the natural environment, needs further documentation and consideration. ERWSCC understands from the July informational meeting that one study is being considered in Connecticut (Westport) using DNA to determine bacteria origins. In addition, the University of Connecticut has also been conducting research to establish a reliable method using DNA to identify specific species. It would seem prudent that these studies be appropriately funded and supported to ensure that the necessary research is being conducted. These would be beneficial to all communities affected (many of which are not on the list simply because of lack of testing). Further, a Task Force should be created that is able to apply research to establish realistic management goals
3. On page 45 it is stated that “DEEP is committed to providing technical assistance in monitoring program design and establishing procedure for electronic data submission”. DEEPs funding and ability to assist communities its serves has been severely limited due to staffing cutbacks over the last 10-15 years. What specific resources and timeframes is DEEP able to commit to after adoption of this TMDL?
4. On page 51, DEEP offers several examples for Watershed Management Plans (WMPs). Have any of these been implemented and subsequently resulted in the delisting of impaired waters for bacteria? If not, could some other examples for waters that have been delisted for bacteria be included? Along those lines does DEEP intend to offer some templates and specific steps for communities to follow that include periodic meetings with DEEP to work toward delisting?
5. What specific bacteria sources will be considered beyond a community’s control to manage?
6. Many of the BMPs suggested for communities to implement have little teeth. For example regarding agricultural concerns, recommendations for engaging in Natural Resource Conservation (NRCS) programs, increasing vegetation buffers or fencing are just that - recommendations. Many activities which fall under “farming” are too small for federal program consideration or landowners have no interest in federal programs that may have other strings attached. Education can only address so much, wetland commissions must deal with agricultural exemptions that apply to as few as a single farm animal and health departments must establish a clear violation of the state health code to take action. How should this realistically be addressed?
7. Will DEEP notify other state branches, such as State Parks, that manage public access areas of the impaired status for recreation due to bacteria?

## **Eightmile River Watershed Summary**

1. This report mentions that two segments of the Eightmile are impaired for recreation and highlights Early Brook as well as the main stem of the Eightmile on some of the mapping. We understand based on discussions with Eric Thomas, the DEEP representative on ERWSCC, that an earlier draft version referred to Early brook as well, but it is not appear to be included in the final version. We would suggest that that the final version, including mapping and assigned land use, is edited to clarify this and remove any discrepancies.
2. ERWSCC understands that all watersheds are divided into segments and that when DEEP makes a determination of impairment it can be based on one point in that segment but is applied to that whole segment. Therefore the listing of the main stem of the Eightmile, or a 12.22 mile long segment, is based on one test point. We would suggest that this policy be explained so that communities that are affected understand that sources of impairment could come from any point that contributes to the testing point.
3. The report indicates specific potential sources for bacteria; migratory waterfowl in Hamburg Cove, stormwater discharge associated with Reynolds Garage and Marina, Town of Lyme Recyclables and Transfer Station, Tiffany Farm (dairy), Old Lyme Stables and Fox Hopyard Golf Course. While ERWSCC acknowledges that these, as well as many other land uses, could be potential sources for bacteria, it should also be noted that the first four listed and the majority of the golf course actually contribute flows that drain below the one monitoring point that is responsible for the inclusion of the Eightmile River Main Stem on the Impaired Waters List. Therefore these specific sites would not be contributory sources to the bacteria levels cited at Monitoring Station DEP 930.
4. Five general recommendations for this stream segment watershed have been suggested which include;
  - Ensure that there are sufficient buffers on agricultural lands along the Eightmile River and tributaries.
  - Develop a system to monitor septic systems.
  - Evaluate municipal education and outreach programs regarding animal waste.
  - Identity areas along the more developed portions of the Eightmile River to implement Best Management Practices (BMPs) to control stormwater runoff.
  - Monitoring of Permitted Sources

The local communities and ERWSCC have already implemented a number of activities that fall under these recommendations including;

- passing a Pumpout and Permit to Discharge Regulation by the Chatham Health District

- agricultural BMPs and on-going education for small farm animal uses
- geese control at the local golf course
- implementation of practices to restrict feeding of geese and picking up of dog waste
- mapping of stormwater outlets and identification of potential illicit discharges
- education and adoption in land use regulations of accepted standards including; stormwater, erosion control and stream crossings
- implementation of watershed monitoring that includes both benthic macroinvertebrates and bacteria.

There are however, only so many resources that can be dedicated to this specific issue. If bacteria levels can not consistently meet goals after recommendations have been reasonably implemented, what then?

We realize that there are probably as many questions as comments in this letter, which is a reflection of how concerned ERWSCC is in being able to address any impairment. The communities in the Eightmile River Watershed have taken many steps to ensure protection of water quality and remain committed to working with DEEP to resolve this issue. We look forward to your response; please contact us for any clarification.

Sincerely,

*Linda Birely*

Monitoring & Science Subcommittee Chair

Eightmile River Wild and Scenic Coordinating Committee

*Patricia M. Young*

Program Director

Eightmile River Watershed